



MARYLAND

Department of Health

Larry Hogan, Governor • Boyd Rutherford, Lt. Governor • Dennis Schrader, Secretary

Office of Health Care Quality

Spring Grove Center • Bland Bryant Building
55 Wade Avenue • Catonsville, Maryland 21228-4663

To: Nursing Home Administrators, ICF/IID Directors, and Hospice Administrators
Patricia Tomsco Nay, MD

From: Tricia Tomsco Nay, MD, CMD, Executive Director, Office of Health Care Quality

Re: Reporting Reasonable Suspicion of a Crime in a Long-Term Care Facility or ICF/IID

Date: October 2, 2017

The purpose of this transmittal is to provide information regarding a memo from CMS regarding “Reporting Reasonable Suspicion of a Crime in a LTC facility,” Survey and Certification transmittal, 11-30-NH, which is posted on the OHCQ website along with this transmittal. We recommend you carefully read the memo in order to assure your facility or agency is in full compliance with Section 1150B of the Social Security Act.

To reiterate several key points in the CMS memo:

A facility that effectively implements section 1150B will:

- a) *Coordinate with Law Enforcement:* Coordinate with the facility’s State and local law enforcement entities to determine what actions are considered crimes in their political subdivision and how to report crimes.
- b) *Review Adherence to Existing CMS Policies:* Review existing facility protocols and procedures to ensure adherence to existing CMS and State policies and procedures for reporting incidents and complaints. For example, participating nursing homes are already required to have policies and procedures in place to report abuse, neglect or misappropriation of resident property. During the course of a standard survey or complaint investigation, the identification of a possible crime may trigger a review of the facility’s policies and procedures for reporting as required under the Federal conditions and requirements for that provider type, as well as a review of the actions taken to make any required incident report.
- c) *Develop Policies and Procedures for Section 1150B:* Develop and maintain policies and procedures that ensure compliance with Section 1150B, including the prohibition of retaliation against any employee who makes a report, causes a lawful report to be

made, or takes steps in furtherance of making a lawful report pursuant to the requirements of the statute.

- d) *Meet reporting time frames:* Where the suspected crime results in serious bodily injury, the report is to be made immediately, but not later than 2 hours after forming the suspicion. A suspected crime that does not result in serious bodily harm, the suspicion must be reported not later than 24 hours after forming the suspicion.

It is important to note that the reporting timeframes are more stringent than timeframes required for the facility to report incidents. Reporting individuals should fax the report to OHCQ's intake office at 410-402-8234 or call 410-402-8108 to speak with intake staff or leave a message. The fax and voice numbers are available 24 hours a day, 7 days a week.

Additionally, the links to the self-report forms are located near the bottom of the following OHCQ webpage: <https://health.maryland.gov/ohcq/ltc/Pages/Forms.aspx>

Please use this form to report all reasonable suspicion of a crime and facility incidents. Results of the facility's investigation should continue to be forwarded to OHCQ on this form within 5 days of the initial report. The forms should be emailed to nh.selfreport@maryland.gov

The ICF/IID facilities should use the Developmental Disabilities Administration's Provider Consumer Information System (PCIS2) reporting system.

If you have any questions, contact Margie Heald, Deputy Director of Federal Programs, at Margie.heald@maryland.gov or 410-402-8101.